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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

WALKER RIVER PAIUTE TRIBE.

Plaintiff-Intervenor.

VS.

WALKER RIVER IRRIGATION DISTRICT,
a corporation, et al.,

Defendants.

IN EQUITY NO. C-125-MDD

Subproceeding: 3:73-CV-00127-MDD-WGC

NOTICE OF FILING:

**AMENDED COUNTERCLAIM OF THE
UNITED STATES OF AMERICA FOR
WATER RIGHTS ASSERTED ON
BEHALF OF THE WALKER RIVER
PAIUTE INDIAN TRIBE.**

1 The United States last amended its water right claims on July 31, 1997, when it issued its
2 First Amended Counterclaim.¹ Generally speaking, in the First Amended Counterclaim the
3 United States amended its water rights claim as they relate to the Walker River Paiute Tribe
4 (“Tribe”) as well as the other numerous additional Indian and federal interests that the United
5 States has in the Walker River Basin.
6

7 On March 7, 2019, this Court issued its Scheduling Order in which the Court instructed
8 the United States to:

9
10 file any associated amendment to the first amended counterclaims last filed in
11 1997. The United States will only issue amended claims, if at all, as they relate to
the water rights claims asserted on behalf of the Tribe.²

12 As instructed, the United States has attached to this notice, as Attachment A, its
13 amendment to the First Amended Counterclaim as the amendment relates to the water right
14 claims asserted on behalf of the Tribe. The United States continues to maintain all water right
15 claims asserted in the First Amended Counterclaim related to all other Indian and federal
16 interests that the United States has in the Walker River Basin. The United States will address
17 these additional Indian and federal-interest water right claims at the appropriate time and after
18 this Court has issued a relevant scheduling or case management order.
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21 Attachment A constitutes the water right claims that the United States shall pursue on
22 behalf of the Tribe in the course of litigation contemplated under the Scheduling Order. Any
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27 ¹ *First Amended Counterclaim of the United States of America* (ECF No. 59) (“First Amended
Counterclaim”).

28 ² *Stipulated Scheduling Order and Discovery Plan* (ECF No. 2437) (“Scheduling Order”).

1 defendant who wishes to answer the United States' water right claims asserted on behalf of the
2 Tribe should issue an answer to Attachment A as instructed by the Court.³

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4 Respectfully submitted this 3rd day of May, 2019.

5
6 /s/ Andrew "Guss" Guarino
7 ANDREW "GUSS" GUARINO
8 TYLER J. EASTMAN
9 U.S. Department of Justice
10 Indian Resources Section
11 Environment & Natural Resources Div.

12 ATTORNEYS FOR THE UNITED STATES
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17 **Certificate of Service**

18 It is hereby certified that on May 3, 2019 service of the foregoing was made through the
19 court's electronic filing and notice system (*see* ECF No. 2100 and 2439) to all of the registered
20 participants.

21 By /s/ Andrew "Guss" Guarino
22 Andrew "Guss" Guarino
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³ Scheduling Order at 2 ¶2.